

I. PURPOSE

To describe the duties and responsibilities of the personnel assigned to the Civil Enforcement Section.

II. POLICY

It is the policy of the Fairfax County Sheriff's Office to maintain a record of and serve or execute all civil process in compliance with the Code of Virginia, Rules of the State Supreme Court and Rules of Fairfax County Courts.

III. PROCEDURE

A. Establishing a record of process upon initial receipt.

It is the responsibility of the Administrative Support Supervisor to ensure information regarding each item of legal process be recorded and maintained for service by the Sheriff's Office in the Civil Enforcement Database (ACES).

1. Upon receipt by the Sheriff's Office, each process will be time-stamped, indicating on each original process the date and time received by the Sheriff's Office.
2. Civil process is disseminated to Administrative Support Unit for entry into the Civil Enforcement Database (ACES).
3. The following fields, at a minimum, will be entered for each process screen:
 - a. Court docket number (if provided).
 - b. Type of process.
 - c. Originating court.
 - d. The name of plaintiff/complainant.
 - e. Court date/Control date (if any).
 - f. Name & address of defendant/respondent (address only if defendant is being served).
 - g. Name & address of the person to be served if other than the defendant.
 - h. Nature of document.
4. After entry into the Civil Enforcement Database (ACES), the process is given to the Civil Enforcement Section Deputies for service.
5. A notation of all attempts at service will be made on the paper to be served and entered into the database at the time of the attempt. Entries at a minimum will include the following:
 - a. Name of person for who service is attempted
 - b. Date and time of each attempt
 - c. Reason for non-service
 - d. Deputy that attempted service
 - e. Method of service
 - f. The location of service or attempted service

B. Return of Service

1. Each serving deputy is responsible for completing the return of service on each process by the next business day. The deputy is also responsible for entering the

return of the process into the Civil Enforcement Database (ACES). Entries will include the following at a minimum:

- a. The name of the person being served.
 - b. Person for who service was attempted.
 - c. Name and relationship of person (If other than personal service).
 - d. Name/Badge number of serving deputy.
 - e. Date and time of service.
 - f. Method of service.
 - g. Location of service if other than address on the document.
 2. When process has been served, a return must be made to the appropriate court (usually the court that issued the process) in order that the court may know that the process was served in accordance with Virginia Code [8.01-296](#), [8.01-294](#), and [8.01-325](#) and court procedure.
 3. Returns must be made by the deputy who served the process, on the original copy of the process.
 4. The deputy must sign his own name and the Sheriff's name to the return. It must show the date and exact time the process was served.
 5. The manner of service (personal or substituted) must be indicated.
- C. When substituted service is made upon a family member of the person named in the process, the return must include (in addition to the items above) that:
1. The person named in the process was not at his regular place of abode.
 2. The person served was at the regular place of abode.
 3. The relationship of the person served.
 4. That the person served was 16 years of age or above.
 5. That the purport of the process was explained to the person on whom it was served.
- D. When substituted service is made, the service copy must be marked with the manner of service and date served.
- E. In effecting service of process, the deputy doesn't have a choice as to which method he/she uses. Personal service is the preferred and deputies should make every effort to effect personal service in every instance. When a paper requires personal service, notations must be made on the court copy to show all attempts.
- F. The return must be made to the court no more than 72 hours after service is complete.
- G. When substitute service is affected by posting the process at the front door, or other door as appears to be the main entrance of the usual place of abode of the person named therein, the copy posted on the door should bear a notation as to the manner and date it was posted.
- H. If personal service cannot be reasonably affected; the deputy should then attempt to affect service upon a family member and should only post process upon the main entrance as the last resort.

FAIRFAX COUNTY SHERIFF'S OFFICE
STANDARD OPERATING PROCEDURE

SOP NUMBER: 808
SUBJECT: RECORDS OF SERVICE



STACEY A. KINCAID
SHERIFF

04/12/00
DATE APPROVED

11/12/19
EFFECTIVE DATE

Revised: August 2007, August 2016, October 2019